

February 12, 2019

Mr. Henry Leskinen
Eco-Science Professionals Inc.
P O Box 5006
Glen Arm MD 21057

Re: Kimco, Fullerton Plaza, 7927 Belair Rd. 21236
Fitness Center Construction
Forest Buffer Variance
Tracking No. 05-19-2911

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. The proposed development project involves construction of a fitness center, reconfiguration of an existing parking lot, and improvements to an existing stormwater management pond at an existing shopping center. The applicant requests continued use and reconfiguration of 11,412 square feet of the existing parking lot area within the forest buffer. There are no proposed impacts to streams, wetlands, forests, or specimen trees. The forest buffer is associated with a Use IV tributary to Stemmers Run.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist as complying with the full extent of the law would not allow continued existing use of a parking lot that has existed on the site for greater than 23 years. The potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposed continued existing uses in portions of the required forest buffer on this property meet the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following notes must appear on all plans submitted for this project:

“On February 12, 2019, a variance to Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains was granted by the Baltimore County Department of Environmental Protection and Sustainability to allow continued existing use of a parking lot located within the required forest buffer. Conditions were placed on this variance to reduce water quality impacts.”

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2. The removal of 2,800 square feet of parking lot within the forest buffer and revegetation of the area is acceptable to mitigate for the continued existing use of the parking lot to remain in the forest buffer. The forest buffer continued existing use and mitigation areas shall be outlined in a forest buffer protection plan (FBPP). The final FBPP must be approved prior to grading permit approval.
3. The forest buffer shall be permanently posted with "Forest Buffer - Do Not Disturb" signs as outlined in the FBPP required for this project.
4. This office must review grading and sediment control plans for this project.
5. All conditions of this variance must be completed to the satisfaction of this Department prior to grading permit approval unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout or plan information may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Acting Director

DVL: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

Property Owner(s)

Date

Printed Name(s) of Property Owner(s)